IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Hahslin Naomi Hernández De La Crúz,
A# [redacted]

Petitioner,

v.

Juan Baltazar, in his official capacity as Warden of Denver Contract Detention Facility in Aurora, Colorado,

Robert Hagan, in his official capacity as Acting Field Office Director of Denver, Colorado Field Office of Enforcement And Removal Operations, Immigration And Customs Enforcement;

Kristi Noem, in her official capacity as Secretary of the U.S. Department of Homeland Security;

Todd Lyons in his official capacity as Senior Official Performing the Duties of the Director of Immigration And Customs Enforcement

Pamela Bondi, in her official capacity as U.S. Attorney General;

and

Daren Margolin, in his official capacity as Director, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW.

Respondents.

Case No.: 1:26-cv-390

APPLICATION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C §2241

I. Jurisdiction

A. Petitioner is in physical and constructive custody of Respondents and is detained at the Denver Contract Detention Facility in Aurora, Colorado.

B. This Court has jurisdiction under 28 U.S.C. §2241(c)(5) (habeas corpus), 28 U.S.C. §2241(c)(3) (habeas corpus), U.S.C. §1331 (federal question), and Article I, section

9, clause 2 of the United States Constitution (the Suspension Clause).

C. This Court may grant relief pursuant to 28 U.S.C. §2241(a), the Declaratory Judgment Act, 28 U.S.C.§2201 *et seq.*, and the All Writs Act, 28 U.S.C. §1651.

II. Parties

A. Petitioner, Hahslin Naomi Hernández De La Crúz, is a citizen of El Salvador who has been in immigration detention since December 1, 2025. Petitioner is unable to obtain review of her custody by an Immigration Judge, pursuant to the decision of the BIA in *Matter of Yajure Hurtado*, 29I & N. Dec. 216 (BIA 2025).

B. Respondent, Juan Baltazar, is the Warden of Denver Contract Detention Facility in Aurora, Colorado. As such, Mr. Baltazar is Petitioner's physical custodian and is responsible for Petitioner's detention. Mr. Baltazar is sued in his official capacity.

C. Respondent, Robert Hagan, is the Acting Field Office Director of Denver, Colorado Field Office of Enforcement And Removal Operations, Immigration And Customs Enforcement. As such, Mr. Hagan is Petitioner's constructive custodian and is responsible for Petitioner's detention. Mr. Hagan is sued in his official capacity

D. Respondent, Kristi Noem, is the Secretary of the Department of Homeland Security. Secretary Noem is responsible for the implementation and enforcement of the INA, and oversees ICE, which is responsible for Petitioner's detention. Secretary Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

E. Respondent, Todd Lyons, is the Senior Official Performing the Duties of the Director of Immigration and Customs Enforcement. Mr. Lyons is sued in his official capacity.

F. Respondent, Pamela Bondi, is the Attorney General of the United States. Ms. Bondi is responsible for the Department of Justice (hereinafter "DOJ"), of which the Executive Office for Immigration Review (EOIR), and the immigration court system it operates, is a component agency. Ms. Bondi is sued in her official capacity.

G. Respondent, Daren Margolin, is the Director of the Executive Office for Immigration Review. Mr. Margolin is sued in his official capacity.

H. The Executive Office for Immigration Review (hereinafter "EOIR") is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

I. The Department of Homeland Security (hereinafter "DHS") is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

III. Background

A. Petitioner's is detained in the Denver Contract Detention Facility in Aurora, Colorado: 3130 Oakland St, Aurora, CO 80010.

B. Petitioner is also known by the name "Hanslin Naomi Hernandez-De La Cruz" which is the name DHS put on her Notice to Appear.

C. Petitioner has no convictions.

D. Petitioner has no criminal charges.

IV. Previous Lawsuits

A. Petitioner filed for Bond on December 10, 2025. On December 16, 2025, Bond was denied due to "No Jurisdiction. Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025)." *See* Exhibit B.

V. Administrative Proceedings

A. Petitioner attempted to secure bond and was denied due to Respondents' unlawful policy change.

VI. Statement of Origin

Facts:

A. Petitioner is a citizen of El Salvador who entered the United States without inspection in 2021, as an unaccompanied alien child.

B. On April 23, 2025, Petitioner applied for Special Immigrant Juvenile Status through the filing of Form I-360 with the United States Customs and Naturalization Service. *See* Exhibit A.

C. On September 19, 2025, Petitioner's I-360 was approved. *Id.*

D. On December 1, 2025, Petitioner detained by Respondents at an ICE check-in in Baltimore, Maryland.

E. Petitioner was moved to Aurora, Colorado. Petitioner's immigration proceedings were also moved to Colorado.

F. On December 10, 2025, Petitioner, through counsel, submitted a Motion for Custody Redetermination and a Motion to Terminate or Dismiss.

G. On December 16, 2025, bond was denied due to "No Jurisdiction. Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025)." *See* Exhibit B.

H. On December 21, 2025, the Immigration Judge granted Petitioner's Motion to Terminate over DHS' objection. *See* Exhibit C.

I. In the December 21, 2025 order, the Immigration Judge set the appeal deadline of January 16, 2026. *Id.*

J. The automated case information public information states that no appeal was received for Petitioner's case. *See* Exhibit D.

K. On December 22, 2025, Petitioner's Counsel reached out to Respondent Hagan through Denver.Outreach@ice.dhs.gov requesting release of Petitioner due to the terminated removal proceedings. Petitioner's counsel received no response.

L. Petitioner is being denied access to counsel. Petitioner's counsel scheduled two legal calls on January 12, 2026 and January 26, 2026 and Petitioner was not produced for either call.

M. To the best of undersigned counsel's knowledge from a friend of Petitioner, Petitioner is currently experiencing medical symptoms, and it is unclear what, if any, medical treatment Petitioner is experienced. Petitioner's counsel has reached out to Denver ICE and has not received a response.

N. Assistant Chief Counsel Tanga Bernal informed Petitioner's counsel on January 30, 2026 that an appeal had been filed in Petitioner's immigration proceedings on January 21, 2026, which is the basis of Petitioner's continued detention.

O. However, as previously noted, the automated case information public information states that no appeal was received for Petitioner's case. *See* Exhibit D.

P. Petitioner has established roots in her community. Petitioner provides support for her brother. Petitioner has no criminal history. Petitioner is actively pursuing immigration relief outside immigration court.

Q. Petitioner has a bond sponsor willing to sponsor Petitioner.

R. Petitioner is not a danger to herself or to others. She is dedicated to her brother and has employment. Petitioner is not a flight risk, she has been a law-abiding person by the U.S. laws, and has no criminal record. Petitioner is not subject to INA §236(c) as she has no convictions for any crime, let alone a crime involving moral turpitude or any aggravated felony, or any other ground of mandatory detention in INA §236(c). Petitioner is actively pursuing relief outside of immigration court.

Legal Framework:

A. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

B. First, 8 U.S.C. §1226 authorizes the detention of noncitizens who are in "standard" Removal Proceedings before an Immigration Judge. 8 U.S.C. §1229a. In these "standard" removal proceedings, individuals are entitled to full due process rights afforded by the Constitution, including the right to have an attorney represent them, the right to present evidence, call witnesses on their behalf, cross examine witnesses, testify on their own behalf, and appeal an adverse decision.

C. Individuals in §1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *See*8 C.F.R. §§1003.19(a), 1236.1 (d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. §1226(c).

D. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. §1225(b)(1) and for other recent arrivals seeking admission referred to under §1225(b)(2).

E. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings. 8 U.S.C. §1231(a)–(b).

F. A Petition for a Writ of Habeas Corpus under 28 U.S.C. §2241 is the proper vehicle to challenge the legality of immigration detention and to seek release or a bond hearing where custody violates the Constitution or federal law. *Jennings v. Rodriguez*, 583 U.S. 521 (2018).

G. While the REAL ID Act limits district court jurisdiction to review removal orders, it does not bar review of detention claims or constitutional challenges to custody. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

H. The district court reviews such claims de novo, exercising independent judgment over statutory interpretation and constitutional questions. *Loper Bright Enterprises. v. Raimondo*, 603 U.S. 369 (2024).

I. Section 1226(a) sets out the "default rule" for the discretionary detention of citizen noncitizens "already present in the United States." *Jennings v. Rodriguez*, 583 U.S. at 303.

J. Under §1226(a) immigration authorities may make an initial determination as to detention, but noncitizens may then request a bond hearing before an Immigration Judge. 8 C.F.R. 1236.1(c)(8) and 8 C.F.R. 1236.1(d)(1).

K. At that hearing, the noncitizen "may secure his release if he can convince the officer or immigration judge that he poses no flight risk and no danger to the community." *Nielsen v. Preap*, 586 U.S. 392, 397-98 (2019) (citing 8 C.F.R §§1003.19(a), 8 C.F.R. §236.1 (c) (8) and (d)(1)).

L. By contrast, 8 U.S.C. §1225 governs the detention of those "seeking admission".

M. An applicant for admission is defined as a noncitizen "present in the United States who has not been admitted or who arrives in the United States." 8 U.S.C. §1255(a)(1).

N. Applicants for Admission "fall into one of two categories, those covered by §1225(b)(1) and those covered by §1225(b)(2)." *Jennings v. Rodriguez*, 583 U.S. at 287.

O. The second category creates a catchall mandatory detention provision: "If the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for [full removal proceedings under 8 U.S.C. §1229]." 8 U.S.C. §1225(b)(2)(A).

P. Unlike noncitizens detained under 8 U.S.C. §1226(a), those detained under §1225 may only be released via parole "for urgent humanitarian reasons or significant public benefit." *Jennings v. Rodriguez*, 583 U.S. at 288 (quoting 8 U.S.C. §1182(d)(5)(A)).

Q. This case concerns the detention provisions at 8 U.S.C. §1226(a) and 8 U.S.C. §1225(b)(2).

R. The detention provisions at 8 U.S.C. §1226(a) and 8 U.S.C. §1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility

Act (hereinafter "IIRIRA") of 1996, Pub. L. No. 104-–208, Div. C, §§302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

S. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under §1225 and that they were instead detained under §1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

T. Thus, in the decades that followed, most people who entered without inspection and were placed in§1229(a) removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. §1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an Immigration Judge or other hearing officer. *See* 8U.S.C. §1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that 8 U.S.C. §1226(a) simply "restates" the detention authority previously found at §1252(a)).

U. On July 8, 2025, ICE, in coordination with the Department of Justice, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

V. The new policy, entitled *Interim Guidance Regarding Detention Authority for Applicants for Admission* claims that all persons who entered the United States

without inspection shall now be subject to mandatory detention provision under §1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades. *See* Exhibit P.

W. On September 5, 2025, the BIA adopted this same position in a published decision. *Matter of Yajure Hurtado,* 29 I&N Dec. 216 (BIA 2025). There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under 8 U.S.C. §1225(b)(2)(A) and are ineligible for Immigration Judge bond hearings.

X. Since Respondents adopted this new erroneous policy, dozens of federal courts rejected DHS's new interpretation of INA's detention authorities and Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE. Subsequently, federal courts have rejected the decision in *Yajure Hurtado*.

Y. Courts have uniformly rejected DHS's and EOIR's new interpretation because it defies the INA.

Z. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under §1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]." *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

AA. The text of §1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C.

§1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]henCongress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." 779 F. Supp. 3d 1239, 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S.393, 400 (2010)).

BB. Section 1226 therefore applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

CC. By contrast, §1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. §1225(b)(2)(A).

DD. Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

EE. Prolonged civil detention without an individualized bond hearing violates the Fifth Amendment's Due Process Clause. *See Jennings v. Rodriguez*, 583 U.S. at 540-41; *Matthews v. Eldridge*, 424 U.S. 319 (1976). DHS must justify continued detention as necessary to ensure appearance at hearings or public safety, and less restrictive alternatives must be considered.

FF. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and practice of applying the mandatory detention provisions at §1225(b)(2) to individuals like Petitioner. 29 I&N Dec. 216 (BIA 2025).

GG. The application of §1225(b)(2) to Petitioner unlawfully mandates her continued detention and violates 8 C.F.R.§§236.1, 1236.1, and 1003.19.

Grounds for Petition for Habeas Corpus:

A. GROUND ONE: Violation of the Immigration and Nationality Act (hereinafter "INA")

1. The mandatory detention provision at 8 U.S.C. §1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility.
2. The application of 8 U.S.C. §1225(b)(2) to Petitioner unlawfully mandates her continued detention and violates the INA. The mandatory-detention clause at 8 U.S.C. §1225(b)(2)(A) applies only to arriving aliens or to noncitizens caught in the act of seeking admission at a port of entry.
3. By its plain terms, it does not extend to individuals who entered the United States and were apprehended within the interior. Such individuals are governed by 8 U.S.C. §1226(a), which authorizes discretionary custody and release on bond, unless they fall within the narrow mandatory-detention categories of §1225(b)(1) (expedited removal), §1226(c) (certain criminal aliens), or §1231 (post-order detention).
4. Respondents' reliance on §1225(b)(2)(A) to mandate Petitioner's detention contradicts the statutory text, structure, and history of the INA. Congress

deliberately separated the detention provisions for arriving and present noncitizens; reading §1225(b) to subsume §1226(a) renders that distinction meaningless, violating the canon against surplusage.

B. GROUND TWO: Violation of the Bond Regulations

1. In 1997, after Congress amended the INA through Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (hereinafter "IIR IRA", the Executive Office for Immigration Review (hereinafter "EOIR") and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply the IIR IRA.
2. Specifically, under the heading of "Apprehension, Custody, and Detention of Aliens," the agency explained that "[t]he effect of this change is that inadmissible aliens, except for arriving aliens, have available to them bond redetermination hearings before an immigration judge, while arriving aliens do not." 62 Fed. Reg. at 10323.
3. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and practice of applying the mandatory detention provisions at §1225(b)(2) to individuals like Petitioner. 29 I&N Dec. 216 (BIA 2025).
4. The application of §1225(b)(2) to Petitioner unlawfully mandates her continued detention and violates 8 C.F.R. §§236.1, 1236.1, and 1003.19.

C. GROUND THREE: Violation of the Suspension Clause of the United States Constitution (U.S. Const. art. I, §9, cl. 2)

1. The Suspension Clause of Article I, Section 9 of the Constitution provides that "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless in Cases of Rebellion or Invasion the public Safety may require it."
2. This constitutional safeguard predates the Bill of Rights and stands as the fundamental guarantee that government officials may not imprison individuals without accountability to an independent judiciary. The Great Writ is not a mere procedural device; it is the constitutional mechanism through which the people ensure that executive detention remains subject to law. *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *Boumediene v. Bush*, 553 U.S. 723, 739–46 (2008).
3. By classifying Petitioner as subject to mandatory detention under 8 U.S.C. §1225(b)(2)—a provision that forecloses any individualized custody determination and disclaims Immigration Judge jurisdiction—Respondents have effectively extinguished all statutory and administrative avenues for review of Petitioner's confinement.
4. The Board of Immigration Appeals does not entertain bond appeals where the Immigration Judge finds no jurisdiction, and no other administrative process exists to test the legality of detention. Absent Habeas review in this Court, Petitioner would have no forum in which to challenge the basis of her custody or the agency's misapplication of the law. Such a regime amounts to an unconstitutional suspension of the writ of habeas corpus.
5. The Supreme Court has consistently held that the writ must remain available to test the legality of executive detention, even in the immigration context.

In *INS v. St. Cyr*, the Court reaffirmed that "a serious Suspension Clause issue would be presented if a federal court were denied jurisdiction to hear a pure question of law" regarding detention or removal. 533 U.S. at 305–06.

6. Likewise, in *Boumediene v. Bush*, the Court emphasized that the writ's core function is to ensure that the Executive "does not detain individuals except in accordance with law." 553 U.S. at 779.

7. These decisions confirm that the constitution minimum requires a judicial forum capable of determining whether the Government has lawful authority to detain a person and to order release if that authority is lacking.

8. The post-*Hurtado* detention framework deprives Petitioner of that constitutional protection. EOIR and ICE have erected a system in which a noncitizen apprehended in the interior can be held indefinitely under §1225(b)(2) without a bond hearing and without access to any reviewing tribunal.

9. This administrative black hole is precisely what the Framers sought to forbid: Executive imprisonment unreviewable by the judiciary. As Professor Kamin explains in *The Great Writ as Popular Sovereignty*, the Suspension Clause embodies the principle that the legitimacy of government itself depends upon the continual availability of the writ to test the lawfulness of confinement. 77 Stan. L. Rev. 297 (2025). When the Government constructs a scheme that removes an entire category of persons from judicial review, it acts in derogation of the people's reserved right to demand legal justification for state restraint, and the principles of popular sovereignty. *See Id.* at 302

("[T]he principal purpose of American habeas is the vindication not of individual physical liberty, but of popular sovereignty. More simply put, we should understand American habeas as a Great Writ of Popular Sovereignty").

10. Petitioner's detention under §1225(b)(2) thus violates not only the INA and the APA but the structural command of the Constitution. The Suspension Clause protects against exactly this scenario—where an individual is held by executive order with no opportunity to obtain judicial scrutiny of the detention's legality.

11. Because Respondents' actions have eliminated all practical means for Petitioner to challenge her confinement, the statutory scheme as applied to him constitutes an unconstitutional suspension of the writ of habeas corpus.

12. Petitioner therefore respectfully requests that this Court (1) declare that the application of §1225(b)(2) to her case violates the Suspension Clause; (2) exercise its habeas jurisdiction under 28 U.S.C. §2241 to review the legality of her detention; and (3) order her immediate release.

D. COUNT FOUR: Violation of the Fifth Amendment to the United States Constitution (Prolonged Detention in Violation of Substantive Due Process)

1. The Fifth Amendment to the United States Constitution provides that no person shall "be deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V.

2. This protection extends to all persons within the United States, including noncitizens, regardless of manner of entry. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

3. At the core of the liberty the Due Process Clause protects is freedom from physical restraint by the government, a right that may be curtailed only in the most exceptional circumstances and for purposes consistent with law. *Id.* at 690.

4. Immigration detention, though civil in form, must remain regulatory in purpose—it may not become punitive. Detention is justified only to ensure attendance at proceedings or to protect the community from danger. *Jennings v. Rodriguez*, 583 U.S. 521, 540–41 (2018).

5. When detention extends beyond the period reasonably necessary to achieve those purposes, or when it occurs without any individualized determination of necessity, it violates the substantive due process guarantee that government action not be arbitrary, excessive, or purposeless. *Demore v. Kim*, 538 U.S. 510, 528 (2003); *Zadvydas*, 533 U.S. at 690.

6. Petitioner has now been detained for a prolonged period—since December 1, 2025—without any opportunity to seek release or to demonstrate that she poses no risk of flight or danger. Petitioner resided in the United States since 2018, has no criminal history, and has deep ties to her community. There is no rational justification for treating her as a mandatory-detention case under 8 U.S.C. §1225(b)(2), a provision intended for arriving aliens at ports of entry.

7. Petitioner's continued confinement—months after the initiation of removal proceedings and in the absence of any bond hearing—has lost any legitimate regulatory purpose and has become arbitrary and punitive in violation of substantive due process.

8. Courts across the country have recognized that prolonged detention under §1225(b)(2) or §1226(a) without a bond hearing offends the Constitution.

9. Petitioner's detention bears all the hallmarks of unconstitutionality: indefinite duration, categorical denial of process, and complete disregard for her individual circumstances. It imposes an excessive restraint on liberty that is not narrowly tailored to any legitimate governmental interest.

10. The Due Process Clause forbids the Government from detaining a person indefinitely and without justification. As the Supreme Court held in *Zadvydas*, "once detention's purpose no longer bears a reasonable relation to the Government's goal, the detention may not continue." 533 U.S. at 690.

11. Accordingly, Petitioner's continued mandatory detention under §1225(b)(2) violates the substantive component of the Due Process Clause of the Fifth Amendment. Petitioner respectfully requests that this Court declare her detention unconstitutional and order her immediate release.

E. GROUND FIVE: Violation of the Fifth Amendment to the United States Constitution (Procedural Due Process)

1. The Fifth Amendment provides that no person shall "be deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V.

Freedom from physical restraint lies "at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

2. This protection extends to all persons within the United States, including noncitizens, regardless of their status or manner of entry. *Id.* at 693.
3. Civil immigration detention is constitutionally permissible only when it is narrowly tailored to serve legitimate regulatory purposes—ensuring appearance at proceedings and protecting the community—and only when accompanied by meaningful procedural safeguards. *Jennings v. Rodriguez*, 583 U.S. 521, 540–41 (2018).
4. By classifying Petitioner under 8 U.S.C. §1225(b)(2) and denying any opportunity for an individualized bond hearing, Respondents have imposed mandatory detention without process, thereby violating Petitioner's substantive and procedural due process rights.
5. The application of §1225(b)(2) to a long-term resident apprehended in the interior bears no rational relation to Congress's stated objectives and results in an arbitrary deprivation of liberty. Substantively, detention that continues for months without individualized review ceases to serve a regulatory purpose and becomes punitive, contrary to *Zadvydas* and *Demore v. Kim*, 538 U.S. 510, 528 (2003).
6. Procedurally, Respondents' categorical denial of a bond hearing fails the *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing test. The private interest at stake—freedom from unlawful confinement—is of the highest

order. The risk of erroneous deprivation is acute where, as here, no hearing exists to assess flight risk or danger.

7. The government's interests can be fully satisfied through individualized bond determinations that safeguard both liberty and the integrity of removal proceedings. *See Chogllo Chafla v. Scott*, No. 2:25-cv-00437-SDN, 2025 U.S. Dist. LEXIS 184909, at *333 (D. Me. Sep. 21, 2025) ("In sum, the Mathews factors weigh in favor of the Petitioners and compel a hearing on detention before an Immigration Judge where they may have the opportunity to be heard.").
8. Petitioner has been gravely prejudiced by this misapplication of law and by the government's refusal to afford a bond redetermination hearing. Her detention—over two months, despite strong family ties, community support, and an unblemished record—serves no lawful purpose and offends the fundamental guarantees of due process.
9. Petitioner respectfully requests that this Court declare her continued mandatory detention unconstitutional and order her immediate release.

VII. Requested Relief

A. WHEREFORE, Petitioner respectfully requests that this Honorable Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Order that Petitioner shall not be transferred outside the District of Colorado while this habeas petition is pending;
3. Issue an Order to Show Cause ordering Respondents to show cause why this

Petition should not be granted within three days;

4. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner forthwith;

5. Grant all and any other and further relief that this Court deems just and proper.

I, hereby declare under penalty of perjury that I am the Attorney for the Applicant in this action, and that the information in this application is true and correct to the best of my knowledge, understanding, and belief. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this application: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the application otherwise complies with the requirements of Rule 11.

Respectfully submitted this 1st day of February 2026,

s/ Kathy Davis
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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2026, Petitioner's Application for Writ of Habeas Corpus was filed via the CM/ECF system e-filing system which will give notice of such filing to all parties.

Respectfully submitted this 1st day of February 2026,

s/ Kathy Davis
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